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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

SMASH TECHNOLOGY, LLC, a Nevada
limited liability company; and MICHAEL
ALEXANDER, an individual;

Plaintiffs,

vs.

SMASH SOLUTIONS, LLC, a Delaware
limited liability company; JERRY "J.J."
ULRICH, an individual; SMASH
INNOVATIONS, LLC, a Wyoming limited
liability company; FERACODE, LLC, a Utah
limited liability company;

Defendants.

SMASH SOLUTIONS, LLC, a Delaware
limited liability company; and JERRY "J.J."
ULRICH, an individual;

Counterclaim Plaintiffs,

vs.

SMASH TECHNOLOGY, LLC, a Nevada
limited liability company; and MICHAEL
ALEXANDER, an individual,

Counterclaim Defendants.

**STIPULATED MOTION TO EXTEND
DISCOVERY DEADLINE AND AMEND
SCHEDULING ORDER**

Case No. 2:19-cv-00105

Judge Tena Campbell
Magistrate Judge Paul M. Warner

Plaintiffs and Counterclaim Defendants Smash Technology, LLC and Michael Alexander (“Plaintiffs”), and Defendants and Counterclaim Plaintiffs Smash Solutions, LLC, Jerry “J.J.” Ulrich, and Smash Innovations, LLC, and Defendant Feracode, LLC (collectively “Defendants”), by and through their respective counsel of record, hereby stipulate and jointly move the Court for entry of an Order amending the Scheduling Order signed by the Court on December 11, 2019 (ECF No. 69).

In support of this motion, the Court granted the motion to withdraw as counsel filed by Plaintiffs’ prior counsel shortly after the Scheduling Order was entered (ECF No. 71). Plaintiffs’ undersigned counsel recently filed notices of appearance and are diligently working to avoid any delay related to the substitution of counsel (ECF No. 72, 73, 74).

Moreover, the parties are coordinating to complete the discovery process. Plaintiffs’ and Defendants’ counsel met and conferred and agreed that a 64-day extension of the discovery deadline (currently February 20, 2019) and other corresponding dates is appropriate. Accordingly, the parties respectfully request that the Court extend the deadlines as described below and adjust the dates under the current Trial and Preparation for Trial heading in the Scheduling Order to meet the needs of the Court’s schedule.

2.	DISCOVERY LIMITATIONS	NUMBER
a.	Maximum number of depositions by Plaintiff(s):	<u>15</u>
b.	Maximum number of depositions by Defendant(s):	<u>15</u>
c.	Maximum number of hours for each deposition (unless extended by agreement of parties):	<u>7</u>
d.	Maximum interrogatories by any party to any party:	<u>25</u>
e.	Maximum requests for admission by any party to any party:	<u>25</u>

- f. Maximum requests for production by any party to any party: 50
- g. The parties shall handle discovery of electronically stored information as follows: The parties do not anticipate any unusual circumstances regarding electronically stored information that would necessitate a special provision. All electronically stored information will be produced via file share service, DropBox, flash drive, or other similar facility. The Standard Protective Order adopted by DUCivR 26-2 will apply to the exchange of electronically stored information.
- h. The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: *Include provisions of agreement to obtain the benefit of Fed. R. Evid. 502(d).*
- i. Last day to serve written discovery: 3/12/20
- j. Close of fact discovery: 4/24/20
- k. *(optional)* Final date for supplementation of disclosures and discovery under Rule 26(e): 4/24/20

4. RULE 26(a)(2) EXPERT DISCLOSURES & REPORTS DATE

Disclosures (subject and identify of experts)

- a. Party(ies) bearing burden of proof: 5/6/20
- b. Counter disclosures: 5/27/20

Reports

- a. Party(ies) bearing burden of proof: 8/6/20
- b. Counter reports: 9/3/20

5. OTHER DEADLINES DATE

- a. Last day for expert discovery: 10/22/20

- b. Deadline for filing dispositive or potentially dispositive motions: 11/20/20
- c. Deadline for filing partial or complete motions to exclude expert testimony: 11/20/20

6. SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION **DATE**

- d. The parties will complete private mediation/arbitration by: 4/24/20

Dated: 22 January 2020

DEISS LAW PC

s/ Andrew G. Deiss

Andrew G. Deiss

Wesley D. Felix

Corey D. Riley

Attorneys for Plaintiffs

Dated: 22 January 2020

RICHARDS BRANDT MILLER NELSON

s/ Matthew C. Barneck (signed with permission)

Matthew C. Barneck

Zachary E. Peterson

Attorneys for Defendants Smash Solutions and Jerry "J.J." Ulrich

Dated: 22 January 2020

GOEBEL ANDERSON PC

s/ Heidi G. Goebel (signed with permission)

Heidi G. Goebel

Attorneys for Defendant Feracode, LLC

CERTIFICATE OF SERVICE

This **STIPULATED MOTION TO EXTEND DISCOVERY DEADLINE AND AMEND SCHEDULING ORDER** was eFiled with the CM/ECF court system and thereby served by email on all counsel of record.

Dated: 22 January 2020

DEISS LAW PC

s/Zach Abend